

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Michael Gonidakis, <i>et al.</i> ,	:	
	:	Case No. 2:22-cv-773
Plaintiffs,	:	
	:	
v.	:	Chief Judge Algenon L. Marbley
	:	
Frank LaRose,	:	Circuit Judge Amul R. Thapar
	:	
Defendant.	:	Judge Benjamin J. Beaton
	:	

**PLAINTIFFS' OPPOSITION TO BENNETT PETITIONERS' MOTION
TO DISCLOSE WITNESSES ON MARCH 28**

Plaintiffs oppose the Bennett Petitioners' Motion to require Plaintiffs to disclose their witnesses by noon on Monday, March 28, 2022.

This would require Plaintiffs to decide what witnesses, if any, it will need to present before the Secretary of State files his disclosures at 5:00 p.m. that same Monday. Those disclosures likely will help Plaintiffs determine what witnesses they do or do not need.

The Preliminary Injunction Hearing has been scheduled since March 21, 2022. The Bennett Petitioners "attempt to confer with all other parties to obtain consent to [their] motion" consisted of an email sent at 7:24 p.m. on Friday, March 25, 2022, hours after all of Plaintiffs' lawyers and their support staff had left for the day. The Bennett Petitioners' motion was filed two-and-one-half hours later at 10:01 p.m.

It is true that Plaintiffs did not respond to the Bennett Petitioners' email within that narrow window. But, it is not entirely accurate to state that "the Bennett Petitioners were not able to determine the position of" Plaintiffs. (ECF No. 109, PageID # 2811).

On the morning of Friday, March 25, 2022, before the temporary restraining order hearing began, counsel for the Bennett petitioners asked counsel for Plaintiffs whether he would agree to doing mutual witness disclosures on Monday. Counsel for Plaintiffs responded that Monday would not be feasible since Plaintiffs would be determining on Monday who their witnesses would be in light of what actions the court took regarding the request for a temporary restraining order. Plaintiffs' counsel suggested, instead, that there be a simultaneous disclosure of witnesses on Tuesday. Counsel for Plaintiffs never received a response to that suggestion.

Instead, counsel for the Bennett Petitioners waited until after the close of business on Friday March 25, 2022, to file their motion asking that Plaintiffs be required to disclose their witnesses by noon on Monday, March 28, 2022. Waiting until after the close of business on Friday to so move, makes it impossible to Plaintiffs to contact potential witnesses for whom they have no home contact information until Monday.

Plaintiffs would not oppose simultaneous disclosures of witnesses on Tuesday, March 29, 2022, but do oppose the request to require such disclosures on Monday, March 28, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2022, a copy of the foregoing was filed electronically.
Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.
Parties may access this filing through the Court's system.

/s/Donald C. Brey
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